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Application / Conf. No. 09/839,041 / 3626

Filing Date April 19, 2001

First Named Inventor Michael D. Nelson

Examiner Name Andrew J. Fischer

Art Unit 3627

Patent No.

RECEIVED
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Attorney Docket Number X-783 US

GROUP 3600

ENCLOSURES (check all that apply)

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Remarks

Response to Restriction Requirement

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

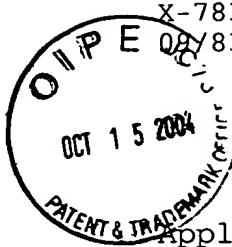
Firm or Customer Number	24309 (Customer Number)		Reg. Number 40,941
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X-783 US
09/839,041

PATENT
Conf. No. 3626

3627

IN THE UNITED STATES PATENT OFFICE

Applicant: Michael D. Nelson
Assignee: Xilinx, Inc.
Title: Method for Storing and Shipping Programmable ASSP Devices
Serial No.: 09/839,041 Filing Date: 4/19/2001
Examiner: Andrew J. Fisher Art Unit: 3627
Docket No.: X-783 US Conf. No.: 3626

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RESPONSE TO RESTRICTION REQUIREMENT

GROUP 3600

Dear Sir:

In response to the Restriction Requirement mailed September 27, 2004, Applicant provisionally elects with traverse to prosecute Group II: Claims 11-23.

However, Applicant respectfully traverses the restriction requirement on the grounds that the inventions as presently grouped are not patentably distinct. For example, Applicant respectfully notes that Claims 11 and 29 are almost identical, except that Claim 11 is drawn to a method and Claim 29 is drawn to an apparatus. Therefore, the process for using the product as claimed in Claim 11 cannot be practiced with a materially different product from that claimed in Claim 29.

The Restriction Requirement states:

4. Inventions II and IV are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP 806.05(e)). In this case, the process can be practiced by a materially different apparatus--one that does not require a means for pulling.

Applicant respectfully notes that Claim 29, which describes the apparatus, specifically states that the apparatus includes "means for pulling specified volumes of un-programmed ICs from inventory in response to an order from a customer". Claim 11, which describes the corresponding process, specifically states that the process includes: "pulling specified volumes of un-programmed ICs from inventory in response to an order from a customer". Therefore, Applicant is confused by the Examiner's assertion that the process can be practiced by an apparatus that does not require a means for pulling.

Applicant respectfully submits that Claims 11-23 (now designated as Group II) and Claims 29-42 (now designated as Group IV) quite clearly do not qualify as unrelated inventions.

However, Applicant respectfully submits that the following grouping of claims results in three patentably distinct inventions.

Proposed Group I: Claims 1-10

Proposed Group II: Claims 11-23 and 29-42

Proposed Group III: Claims 24-28

Applicant respectfully requests that the Examiner regroup the claims into new groups as proposed by Applicant. If the claims are so regrouped, Applicant will elect Group II (Claims 11-23 and 29-42) for prosecution, without traverse.

X-783 US
09/839,041

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If the Examiner has any questions, the Examiner is requested to telephone Applicant's agent at 408-879-4604.

Respectfully submitted,



Lois D. Cartier
Agent for Applicant
Reg. No. 40,941

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